
**Natural Resources, Ecology &
Parks Committee**

HB 1406

Brief Description: Concerning specialized forest products.

Sponsors: Representatives Buck, B. Sullivan, Orcutt, Takko, Kretz, Alexander, Grant, Shabro, Linville and Skinner.

Brief Summary of Bill

- Defines "specialty wood" as certain species of wood with special characteristics that may be used for making musical instruments or ornamental boxes and requires a specialized forest products permit or true copy to possess or transport the product.
- Requires suppliers of specialized forest products and specialty wood to display a specialized forest products permit or true copy when a first specialized forest products buyer purchases, takes possession, or retains the product.
- Authorizes a law enforcement officer at the time of arrest to seize and take possession of any equipment, vehicles, tools, or paperwork from a person harvesting, possessing or transporting specialized forest products in violation of the law.

Hearing Date: 2/1/05

Staff: Jeff Olsen (786-7157).

Background:

It is unlawful for a person to harvest certain amounts of specialized forest products without first obtaining a validated specialized forest products permit (permit). Specialized forest products include Christmas trees, native ornamental trees and shrubs, evergreen foliage, cedar products, cascara bark, and wild edible mushrooms. A permit is required prior to harvesting more than three gallons of a single species of wild mushroom or more than nine gallons of wild edible mushrooms, plus one wild edible mushroom. Permits are validated by the county sheriff's office in the county in which the products are to be harvested. If a person is harvesting an amount below the threshold where a permit is required, that person must still obtain permission to harvest from the landowner.

It is unlawful to possess or transport a specialized forest product without a written authorization, sales invoice, bill of lading, or a permit containing the following information: the date of its

execution; the number and type of products sold or transported; the name and address of the owner and receiver of the product; and, the location of origin of the product.

Buyers of specialized forest products must collect information about their purchases. Specifically, the buyer must record the permit holder's name, the permit number, the type of product purchased, and the amount purchased. The buyer must retain this information for a year and make it available for inspection by authorized enforcement officials. The buyer must also record the seller's permit number on the bill of sale. These record keeping requirements do not apply to buyers of these products at the retail sales level.

It is unlawful for any cedar processor to purchase cedar products or salvage unless the supplier displays a permit or true copy. Cedar processors must make and maintain a record of the purchase taking possession, or retention of cedar products and cedar salvage for at least one year after the date of receipt. The records shall include the date of delivery, the license number of the vehicle delivering the products, the driver's name, and the specialized forest products permits number. Cedar processors must also display a valid registration from the Department of Revenue at each location where they receive cedar products.

A person violating specialized forest products regulations is guilty of a gross misdemeanor and shall be punished by a fine not to exceed \$1,000, up to one year in county jail, or both. In addition, a law enforcement officer may seize and take possession of any specialized forest products that are harvested, possessed or transported in violation of the law. All fines collected for violations are paid into the general fund of the county treasury in which the violation occurred.

Summary of Bill:

Specialty wood is defined to include wood from western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder that is free of knots in a specified area or may be used for making musical instruments or ornamental boxes. Specialty wood is considered harvested for commercial purposes when harvested or transported from areas not associated with a current forest practices application approved by the Department of Natural Resources or an agency of the United States. It is unlawful for any person to possess or transport a specialty wood product without a specialized forest products permit (permit) or a true copy of the permit.

A properly completed permit must include a copy of a map or aerial photograph with defined permit boundaries. Prior to harvest, a person must obtain a permit to harvest more than five gallons of wild edible mushrooms. In addition, it is unlawful to possess, transport, or possess and transport five gallons of wild edible mushroom or specialty wood without having a valid permit or true copy. A true copy of a validated specialized forest products permit must be signed by both the permittee and permittor in original ink.

The bill of lading must accompany all specialized forest products after it is received by the first cedar processor or specialized forest products buyer. A bill of lading means a written or printed itemized list for the transportation or possession of a specialized forest product including: the date of transportation; the name and address of the first cedar processor or first specialized forest products buyer; the name and address from where the product is being transported; the name of the person receiving the product; the name of the driver; the vehicle license number; and, the type and amount of product being shipped. A bill of lading is not required following a retail sale.

Specific provisions for cedar processors to make and maintain records of the purchase, possession or retention of cedar products are repealed. A first specialized forest products buyer or specialty wood processor may not purchase, take possession, or retain specialized forest products and specialty wood unless the supplier displays a permit or true copy. The first specialized forest products buyer is the first person that receives any specialized forest product after it leaves the harvest site. For products from out-of-state, the processor may not purchase, take possession, or retain the product unless the supplier displays a permit or other governmental document indicating the true origin of the product. A specialty wood processor or first specialized forest products buyer shall make and maintain a record of the purchase including the permit number, the date of delivery, the type of forest product purchased, the license plate number of the vehicle transporting the forest product, and the name of the driver. The first specialized forest products buyer or processor must have a bill of lading, keep it for one year, and must make the records and bill of lading available for inspection upon demand by authorized enforcement officials. Every specialized forest products buyer or processor must display a valid registration from the Department of Revenue at each location where they receive specialized cedar products.

The Department of Natural Resources (DNR) must develop and print the specialized forest products permit and distribute it to the county sheriffs. The DNR must develop and distribute educational materials on regulation of specialized forest products for law enforcement, forest landowners, harvesters, buyers, and processors.

A law enforcement officer may seize and take possession of any equipment, vehicle, tools, or paperwork when specialized forest products are harvested, possessed or transported in violation of the law. The law enforcement officer shall provide reasonable protection of the items during the litigation process, or may dispose of the items at the discretion of the court. Upon disposition of the case by the court, the court shall make a reasonable effort to return the items. All fines collected for violations are paid into the general fund of the county treasury in which the violation occurred and are distributed equally among the district courts in the county, the county sheriff's office, and the county's general fund.

Appropriation: None.

Fiscal Note: Requested on DATE.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.